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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,419	11/28/2005	Michael Rocleke	10191/3670	8540
26646 7590 12/19/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
AMORES, KAREN J				
ART UNIT		PAPER NUMBER		
3616				
MAIL DATE		DELIVERY MODE		
12/19/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/529,419

**Applicant(s)**

ROELLEKE ET AL.

**Examiner**

KAREN AMORES

**Art Unit**

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgements***

1. Acknowledgment is made of Applicant's Request for Continued Examination filed on 05 December 2008. Amendments have been accepted and placed in the file.

### ***Claim Objections***

2. Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 14, dependent on claim 12, restates the limitations of claim 12.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 13 recites the limitation "the defined category" in line 15. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 13 recites the limitation "the common boundary" in lines 24 and 25. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 6 – 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Roelleke, WO 02/053419 ("Roelleke", U.S. 6,725,141). Roelleke discloses a system for triggering a restraint system in a vehicle (fig. 4), comprising:

9. at least one acceleration sensor for measuring an acceleration of the vehicle and generating a corresponding acceleration signal (column 1, line 11);

10. a pre-crash sensor for determining a closing velocity of the vehicle in a crash (column 1, line 35);

11. a control arrangement for triggering the restraint system in a crash of the vehicle (column 6, line 62), wherein the restraint system is an airbag with at least a first stage and a second stage of deployment (column 5, line 51), and wherein triggering of at least the first stage of deployment of the airbag is determined as a function of at least one criterion derived from the acceleration signal (column 3, line 63), and wherein triggering of the second stage of deployment of the airbag is determined as a function of a combination of the at least one criterion and the closing velocity ( $V_{close}$ ).

12. In reference to claims 2 – 12 and 14, Roelleke further discloses the at least one criterion is a time of deployment of the first stage of airbag deployment (column 1, line 61); wherein one

of a plurality of categories is defined as a function of the time of deployment for the first stage of airbag deployment and the closing velocity (column 7, line 52), and wherein a time of deployment for the second stage of airbag deployment is determined as a function of the defined category (column 7, line 27); wherein the second stage of deployment of the airbag is not triggered if the closing velocity is below a predetermined threshold ( $\Delta v_{sth}$ ); wherein the plurality of categories include a first category (C2 – C4) corresponding to deployment of the second stage and a second category (C0 and C1) corresponding to non-deployment of the second stage; wherein the plurality of categories include a first category (C2 – C4) corresponding to deployment of the second stage and a second category (C0 and C1) corresponding to non-deployment of the second stage; and wherein the closing velocity is used in determining the first stage of deployment and in determining the second stage of deployment.

13. In reference to claim 13, Roelleke discloses a system for triggering a restraint system in a vehicle (column 4, line 37), comprising:

14. at least one acceleration sensor for measuring an acceleration of the vehicle and generating a corresponding acceleration signal (fig. 3);

15. a pre-crash sensor for determining a closing velocity of the vehicle in a crash (column 2, line 9);

16. a control arrangement for triggering the restraint system in a crash of the vehicle (column 1, line 19), wherein the restraint system is an airbag with at least a first stage and a second stage of deployment (column 1, line 19), and wherein triggering of at least the first stage of deployment of the airbag is determined as a function of at least one criterion derived from the acceleration signal (column 1, line 32), and wherein triggering of the second stage of deployment

of the airbag is determined as a function of a combination of the at least one criterion and the closing velocity ( $V_{close}$ );

17. wherein the at least one criterion is a time of deployment of the first stage of airbag-deployment (column 3, line 58),

18. wherein at least three categories are defined as a function of the time of deployment for the first stage of airbag deployment and the closing velocity (column 3, line 55), and wherein a time of deployment for the second stage of airbag deployment is determined as a function of the defined category (column 3, line 53), the at least three categories include a first category (C0 – U1) corresponding to non-deployment of the first stage, a second category (B1, U2, or B2 of respective C2 – C4) corresponding to deployment of the second stage, and a third category (any one of B1, U2, or B2 of respective C2 – C4) corresponding to deployment of the second stage;

19. wherein the first and second categories share a common boundary (U1) as a function of a closing velocity ( $V_{close}$ ) and a deployment time of the airbag in the first stage (column 2, line 48), and wherein the second and third categories share another common boundary as a function of a closing velocity and a deployment time of the airbag in the first stage (fig. 1), and

20. wherein the second stage of deployment of the airbag is not triggered if the closing velocity is below a predetermined closing velocity threshold (bars U1, B1, U2, and B2) associated with the common boundary.

### ***Response to Arguments***

21. Applicant's arguments, see page 4, paragraph 7, with respect to the rejection(s) of claim(s) 6 under Brambilla et al. U.S. 6,199,903 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Roelleke.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN AMORES whose telephone number is (571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571)-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/  
Supervisory Patent Examiner, Art Unit 3616

KAREN AMORES  
Examiner  
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Examiner, Art Unit 3616

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